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PTO/SB/30 (5/2000)

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## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See the American Inventors Protection Act of 1999 (AIPA).

<i>Application Number</i>	09/904,485
<i>Filing Date</i>	July 13, 2001
<i>First Named Inventor</i>	Ashkenazi, et al.
<i>Group Art Unit</i>	1647
<i>Examiner Name</i>	Saoud, Christine J.
<i>Attorney Docket Number</i>	39780-1618P2C7

**This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.**  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. s 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

<b>1. Submission required under 37 C.F.R. §1.114.</b>	
a.	<input type="checkbox"/> Previously submitted <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on <i>(Any unentered amendment(s) referred to above will be entered)</i></li> <li>ii. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on</li> <li>iii. <input type="checkbox"/> Other</li> </ul>
b.	<input checked="" type="checkbox"/> Enclosed <ul style="list-style-type: none"> <li>i. <input checked="" type="checkbox"/> Preliminary Amendment</li> <li>ii. <input checked="" type="checkbox"/> Affidavit(s)/Declaration(s) — Declaration of Sherman Fong, Ph.D. (with Exhibits A-E)</li> <li>iii. <input type="checkbox"/> Information Disclosure Statement (IDS)</li> <li>iv. <input type="checkbox"/> Other</li> </ul>
<b>2. Miscellaneous</b> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of      months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)</li> <li>b. <input type="checkbox"/> Other</li> </ul>	
<b>3. Fees</b> The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.	
a.	<input checked="" type="checkbox"/> The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 08-1641 (Docket No. 39780-1618P2C7 ) <ul style="list-style-type: none"> <li>i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e) = \$770.00</li> <li>ii. <input checked="" type="checkbox"/> Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) = 2,010.00 (five months)</li> <li>iii. <input type="checkbox"/> Other</li> </ul>
b.	<input type="checkbox"/> Check in the amount of \$      enclosed
c.	<input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)

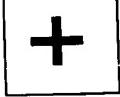
### **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	DAPHNE REDDY	Registration No. (Attorney/Agent)	53,507
Signature	<i>Daphne Reddy</i>	Date	JULY 12, 2004

### **CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post office to Addresses" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date: July 12, 2004			
Name (Print/Type)	Cheryl Rogers	Date:	July 12, 2004
Signature	<i>Cheryl Rogers</i>	Express Mail Label:	EL 993 688 709 US

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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Ashkenazi, et al. Docket No.: 39780-1618P2C7  
Serial No.: 09/904,485 Group Art Unit: 1647  
Filing Date: July 13, 2001 Examiner: Christine J. Saoud  
For: **SECRETED TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

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**PRELIMINARY AMENDMENT**

**MS: RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Preliminary amendment accompanies a Request for Continued Examination (RCE) under 37 CFR § 1.114 for the above identified application. A Notice of Appeal was filed December 12, 2003 in this case and an Appeal brief is due by July 12, 2004. This RCE filing and Preliminary amendment are being timely filed concurrent with a Petition for Extension of Time for five months. Attached herewith is a Declaration by Sherman Fong, Ph.D. with five exhibits: (1) Current Protocols in Immunology, Vol. I, Unit 3.12 by Richard Coico, (2) an article by Ralph Steinman, (3) an article by Gubler et al., (4) an article by Peterson et al., and (5) an article by Thurner et al. Please enter the following amendments, and consider the following arguments.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.